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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/750,793 | 01/02/2001 | Yoshiaki Ichikawa | N00234US | 7484 |

7590 11/04/2003

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| EXAMINER |
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PEREZ, JULIO R

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| ART UNIT | PAPER NUMBER |
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2681

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DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/750,793

Applicant(s)

ICHIKAWA, YOSHIKI

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The examiner is interpreting the article "an" to be placed before the word "inventory" and not "a" on pages: 1, line 25; 6, line 16; 8, lines 1 and 18. It is the examiner's opinion that the word "exists" should be between the words "person" and "at" and not "exits" on page 4, line 20.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keillor et al. (5,917,433) in view of Cuffaro (6,223,032).

Regarding claim 1, 7, and 8 Keillor et al. teach an asset monitor method for providing a remotely located central station with assets information that includes an asset monitor (14), a central station (12) each including a transmitter and a receiver (col. 2, lines 61-65 and col. 9, lines 19-33; col. 16, lines 12-20). However, Keillor et al. do not explicitly disclose the step of automatically executing a test of a radio

Art Unit: 2681

communication section in said portable radio communication terminals, neither a display section for displaying a fault of the radio communication section of the radio communication terminal or storage medium or monitoring program.

Cuffaro discloses the use of error detection means for detecting, in wireless communication signals received from the mobile station (terminal), errors (faults) indicative of faulty operation of the mobile station (col. 1, lines 57-67).

Cuffaro further discloses a display to alert either an operator or the subscriber about detected errors (faults) (col. 2, lines 1-7 and col. 3, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the asset monitor as taught by Keillor et al. by implementing the asset monitor for automatically detecting faults (errors) on the communication terminals because it would provide Keillor et al. system with the enhanced capability of ensuring that the radio communication section of the communication terminal is functioning properly (col. 1, lines 57-67 and col. 2, lines 1-7).

Furthermore, Cuffaro teaches a transmitter, and antenna and all other necessary components and software to allow the mobile station to communicate with the wireless communication system (col. 4, lines 31-37 and col. 5, lines 3-22). It is known in the art that monitoring systems carry means of storing a monitoring code (program) in order to execute tests of radio communication terminals and for displaying radio communication faults on a screen or display.

Allowable Subject Matter

4. Claim 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2681

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to methods and apparatuses to provide information about faulty signals or defective devices.

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|------------------------|--|
| US Pat. No. 5,752,165 | Comparing averages of signal levels of receivers |
| US. Pat. No. 6,169,883 | Remote test of a subscriber connection in a system |
| US. Pat. No. 6,215,997 | Technique for reporting faults of base stations |
| US. Pat. No. 6,070,091 | Detecting degradation in radio base stations |
| US. Pat. No. 6,389,281 | Automatically testing a base transceiver |
| US Pat. No. 5,201,063 | Stored program for controlling circuits |
| US. Pat. No. 4,622,438 | Automatic response for a loop back test |

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Application/Control Number: 09/750,793

Page 6

Art Unit: 2681

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

JP
10/28/03


ERIKA GARY
PATENT EXAMINER